

**Chapter 30:****SPECIAL REGULATIONS FOR HEARINGS ON APPLICATIONS OF SIGNIFICANT PUBLIC INTEREST**

**SUMMARY:** These rules govern the conduct of hearing for applications where the Board of Environmental Protection has determined that the subject matter of the application is of significant public interest. They are intended to secure the just, speedy and inexpensive determination in such matters. Provisions are made for notice, location, consolidation, public participation, intervention, pre-hearing review, conferences, evidence, testimony, record, questioning, subpoenas, continuances as well as other matters essential to orderly proceedings.

These rules do not apply to hearings on applications where the Board of Environmental Protection has not determined that the subject matter of the application is of significant public interest.

All previous Special Regulations for Hearings on Applications of Significant Public Interest are superseded by these Rules.

- 1. Scope of Regulations.** These regulations shall be applicable to all hearings before the Board of Environmental Protection (hereinafter “Board”) on applications for new, renewed, amended or transferred licenses, permits, certificates, variances, approvals or other determinations on specific matters (hereinafter “licenses”) where the Board has determined that the subject matter of the application is of significant public interest.

These regulations shall not apply to Enforcement Hearings pursuant to 38 M.R.S.A., Section 347, or to Hearings on Applications where no determination of significant public interest has been made by the Board.

These regulations shall be construed to secure the just, speedy and inexpensive determination of such matters.

- 2. Consolidation.** On motion and for good cause shown, or on its own initiative, the Board may consolidate for hearing two or more proceedings if it finds that such action will be conducive to just and proper dispatch of its business, the rights of any party are not prejudiced and that opportunities for public participation will not be compromised.

A consolidation under this section may be for any purpose or issue of the proceedings.

**3. Notice**

- A.** Prior to any hearings conducted by the Board or the Department, the Department shall provide notice:

- (1) to the applicant at least 10 days prior to the hearing by registered mail return receipt requested;
- (2) to any intervenors who have qualified under Section 30.5(a) of this regulation at least 10 days prior to the hearing by registered mail return receipt requested;

- (3) at least 10 days prior to the hearing by regular mail to persons who have filed a written request, within the calendar year, to be notified of hearings;
- (4) at least 10 days prior to the hearing to persons who have made a timely request to be notified of a specific hearing;
- (5) by publication twice in a newspaper of general circulation in the area of the proposed activity. The date of the first publication shall be at least 14 but no more than 21 days prior to the date of the hearing and the second publication shall be at least 7 but no more than 10 days prior to the date of the hearing.

**B. Contents of Notice.** Notices of hearings shall contain the following minimum information:

- (1) reference to statutory authority;
- (2) the purpose of the hearing;
- (3) time, date, place of the hearing;
- (4) the manner in which views may be submitted for consideration;
- (5) the place and time where relevant material may be examined prior to the hearing; and
- (6) the name, address and telephone number of the person to contact for information.

A notice for a hearing involving regulations shall contain a clear concise description of the regulation and the purpose for which the regulation is being proposed.

**4. Location**

- A.** Hearings on air emission license applications shall be held within the Air Quality Region where the proposed emission would occur.
- B.** Hearings on air emission variance applications shall be held in the municipality where the building or business in connection with which the variance is sought is located; except that if the building or business in connection with which the variance is sought is located in an unorganized area, the bearing shall be held in such place as the Board or the Commissioner determines is most convenient to the Board, the applicant and other interested parties; provided, however, that if 5 or more requests for variances are pending within the same Air Quality Region, a single bearing on all such requests may be held at one place within that region.
- C.** Hearings on sanitary district applications shall be held within the proposed district.
- D.** All other hearings held pursuant to these regulations shall be held either in Augusta or in the general location of the proposed activity for which license or approval is sought, at the discretion of the Board or the Commissioner.

## 5. Public Participation

### A. Intervention

- (1) Any person who desires to participate as a party, offer testimony and evidence and participate in cross-examination shall file a petition for leave to intervene within 10 days of the Board designation of the hearing as one involving significant public interest unless otherwise ordered by the Board or Commissioner. A petition shall be granted if it demonstrates:
  - (a) that the petitioner has a direct and substantial interest which may be affected by the proceedings;
  - (b) that the petitioner has reasonably specific contentions regarding the subject matter of the hearing and the appropriate statutory criteria; and
  - (c) that the petitioner is prepared and capable of participation in the hearing in order to support such contentions.
- (2) A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file on time.
- (3) A person permitted to intervene shall become a party to the proceeding and shall be permitted to participate in the hearing, subject, however, to such reasonable terms as the Board, Commissioner or Presiding Officer may direct.
- (4) Petitioners may be required to consolidate or join their appearances in part or in whole if their interest or contentions are substantially similar and such consolidation would expedite or simplify the hearing without prejudice to the rights of any party or petitioner. A consolidation under this section may be for all purposes of the proceeding, all of the issues of the proceeding, or with respect to any one or more issues thereof.
- (5) Unless otherwise specified by the Board in granting a petition to intervene, intervenor status shall be deemed to have been granted for the duration of the hearing, the post-hearing consideration of the application, and any appeals arising from Board action on the application. In addition, any applicant whose application is approved shall be required to provide notice to any intervenors of the filing of any documents presented to the Department indicating:
  - (a) actions to comply with conditions attached to the approval; or,
  - (b) proposals to vary or amend development activities, timetables, emission or effluent levels or volumes of solid waste as approved by the Board, provided, however, that the applicant's responsibility under this paragraph (5) shall be deemed fulfilled when such notice is mailed to the person designated to represent an intervenor in the petition for intervention status.

**B. Participation By Interested Persons.** Any person who is not an intervening party under subsection (A) may, in the discretion of the Presiding Officer, be permitted to participate in a

hearing by making oral or written statements of his position on the issues, attend and participate in pre-hearing and mid-hearing conferences, and submit written or oral questions through the Presiding Officer, within such limits and on such terms and conditions as may be fixed by the Board, Commissioner or Presiding Officer.

- C. State, Federal or Municipal Agencies.** The Presiding Officer shall afford a representative of an interested federal, state, municipal or other governmental agency which has not petitioned to intervene a reasonable opportunity to participate in such hearing and introduce evidence and question witnesses. Such representative shall be permitted such rights as are granted by this paragraph only if representing the views and position of the agency on whose behalf that representative appears and not personal views and opinions.

## **6. Pre-hearing Review**

- A.** In all hearings under this regulation, the Board may order that within specified time:

- (1) Designated intervenors shall review all materials provided by the applicant and prepare in writing and serve on all parties;
  - (a) specific questions which the intervenor believes should be asked about the application and other supporting materials, and
  - (b) requests for additional materials which the intervenor believes the applicant should provide.
- (2) Without precluding any further inquiry, Board members and staff may also present to the applicant, in writing, specific questions about the application and other supporting materials or requests for additional materials.
- (3) The applicant shall respond in writing to requests pursuant to paragraphs (1) and (2) providing the answers to questions and the requested materials or a statement as to why answers cannot or should not be provided.
- (4) The applicant and each intervenor shall provide a list of witnesses and an outline of the areas to be covered in their direct testimony provided however, that witnesses and areas of testimony may be added at any time with the permission of the Board.
- (5) When the above is completed, or a reasonable time has passed the Board shall hold a pre-hearing conference and expeditiously thereafter commence the public hearing.
  - (a) Materials provided hereunder or that portion of such materials which are relevant to the hearing may be made part of the record upon request of any party.
  - (b) The provisions of this section may be invoked with the consent of the applicant prior to commencement of the public hearing or where the Board deems necessary for expeditious processing after a hearing has commenced.

## **7. Staff Review Paper**

- A.** At least 14 days in advance of each hearing the Department staff shall prepare a paper reviewing the application. Such paper shall:
  - (1) Identify issues which the staff believes that the Board must consider in reviewing the application,
  - (2) Present a comparison of the applicant's proposed air emissions and water effluents with any specific air emission or water effluent requirements which would apply to the applicant's proposal under State or Federal statutes or regulations, and
  - (3) Include any recommendations the staff has made to the applicant.
- B.** The above described staff review paper shall be mailed to the Board, the applicant and any parties and shall be available to the public not less than 7 days in advance of the date set for commencement of the public hearing.
- C.** Nothing In this Section (30.7) shall be construed to preclude the staff from presenting testimony or questioning the applicant on any matter relevant to the application.
- D.** Any party may, prior to the commencement of the hearing, provide to the Board written comments regarding the staff review paper.

## **8. Conferences**

- A.** The Board, the Commissioner or the Presiding Officer may upon notice to the applicant, other parties and any other persons whom the Commissioner or the Presiding Officer deems appropriate, hold conferences for the purpose of formulating or simplifying the issues, obtaining admissions of fact and of documents, arranging for the exchange of proposed exhibits or prepared expert testimony, limiting the number of witnesses and consolidating of the examination of witnesses, specifying procedure at the hearing, and such other matters which may expedite orderly conduct and disposition of the proceedings.
- B.** All such conferences shall be open to the public, and the action taken, and any agreement made at any such conference shall be stated on the record by the Presiding Officer. Any person may ask questions about or raise objections to such actions or agreements at the time they are stated on the record.
- C.** At any pre-hearing conference:
  - (1) Intervenors and other persons who will participate in a hearing shall indicate what information they will be requesting of the applicant that is not provided pursuant to Section 30.6.
  - (2) The applicant shall be prepared to make available any background or working papers or other documents, including raw data, which have been prepared in connection with preparation of the application but were not provided with the application where such is requested by the

- Board, staff or any other person participating in the pre-hearing conference and is deemed relevant and necessary by the Board.
- (3) Documents or other material requested which are not provided at the pre-hearing conference shall be provided to all parties at a time designated by the Presiding Officer in advance of the hearing, or that portion of the hearing where such material is relevant, which will allow reasonable opportunity to examine the material and prepare testimony and questions.
  - (4) Where the documents or other material requested are of such a nature that they do not lend themselves to reasonable and inexpensive reproduction, the Presiding Officer may designate the manner by which such materials may be reviewed.

## **9. Hearing Procedures**

### **A. Presiding Officer**

- (1) The Presiding Officer at any hearing shall be either (a) the Commissioner if present and willing to preside, (b) a member of the Board selected by those members present at the hearing, or (c) if no Board member is present and willing to preside a qualified employee or representative of the Department as designated by the Commissioner.
- (2) The Presiding Officer shall have the authority to:
  - (a) require and administer oaths or affirmations;
  - (b) rule upon issues of evidence;
  - (c) regulate the course of the hearing;
  - (d) rule upon issues of procedure;
  - (e) grant or deny petitions for intervention which have not previously been ruled upon by the Board;
  - (f) certify questions to the Board for its determination; and
  - (g) take such other actions as may be ordered by the Board or that are necessary for the efficient and orderly conduct of the hearing, consistent with these regulations and applicable statutes.
- (3) Whenever any action or order is required of the Presiding Officer and the Presiding Officer is unavailable, such action or order may be issued by the Commissioner.
- (4) In special cases, where good cause appears, the Presiding Officer may permit deviation from these procedural rules in so far as compliance herewith is found to be impractical or unnecessary.

### **B. General Conduct**

- (1) Opening Statement. The Presiding Officer shall open the hearing by describing in general terms the purpose of the hearing and the general procedure governing its conduct.
- (2) Transcription of Testimony. All testimony at hearings before the Board shall be recorded and, as necessary, transcribed.
- (3) Witnesses. Witnesses shall be sworn. Witnesses may be compelled to attend, testify and produce records if subpoenaed by the Board. Witnesses will be required to state for the record their name, residence, business or professional affiliation, whether or not they represent another individual, firm, association, organization, government agency or other legal entity for the purpose of the hearing.
- (4) Testimony in Written Form. At any time, prior to or during the course of the hearing, the Commissioner or Presiding Officer may require that all or part of the testimony to be offered at such a hearing be submitted in written form at such time as may be specified. Such written testimony shall be submitted in such form and at such time as the Presiding Officer may specify. All persons offering testimony in written form shall be subject to cross-examination. All testimony offered in such written form shall be available for public inspection. The party submitting the written testimony may be required to serve a copy thereof on the applicant and all intervening parties by the time specified, in order that all persons participating in such hearings may have a reasonable opportunity to examine such testimony and prepare such question or cross-examination as they deem necessary.

This rule shall not be construed to prevent oral testimony at a scheduled hearing by any member of the public who requests and is granted time to testify at a hearing.

## 10. General Evidence

- A. Evidence which is relevant and material to the subject matter of the hearing and is of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs shall be admissible. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded. The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of all evidence submitted to the Board.
- B. **Official Notice.** The Board may take official notice of any facts of which judicial notice could be taken, and in addition may take official notice of general, technical or scientific matters within its specialized knowledge and of statutes, regulations and non-confidential agency records. Facts officially noticed shall be included and indicated as such in the record.
- C. **Proof of Official Record.** The Presiding Officer may require that an official record or lack thereof be evidence by an official publication or by a copy or a statement attested to by a person having, or who would ordinarily have, the legal custody of the record.
- D. **Documentary and Real Evidence.** All documents, materials and objects offered in evidence as exhibits shall, if accepted, be numbered or otherwise identified. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available.

The Commissioner or the Presiding Officer may require, after prior oral or written reasonable notice, that any party offering any documentary or photographic evidence shall provide the Board with a specified number of copies of such documents or photographs, unless such documents or photographs are determined to be of such form, size or character as not to be reasonably susceptible of reproduction. The applicant and intervening parties and state, federal or municipal agencies shall provide each other with copies of any exhibit offered in evidence unless otherwise ordered by the Presiding Officer. All documents, materials and objects admitted into evidence shall be made available during the course of the hearing for public examination. All such evidence will also be available for public examination at the Department's office in Augusta during normal business hours.

- E. Record of Application.** In any proceeding involving an application, the application filed with the Department, including exhibits and amendments thereto, shall be placed into evidence.
- F. Objections.** All objections to rulings of the Presiding Officer regarding evidence or procedure and the grounds therefor shall be timely stated during the course of the hearing. If during the course of or after the close of the hearing and during its deliberations the Board determines that the ruling of the Presiding Officer was in error, it may reopen the hearing or take such action as it deems appropriate to correct such error.

## 11. Testimony and Questions

- A. Direct Testimony.** Direct testimony shall be offered in the following order:

- (1) the applicant and representatives and witnesses the applicant selects,
- (2) department staff, members and consultants,
- (3) state, municipal and other governmental agencies and representatives thereof,
- (4) intervenors,
- (5) other interested persons.

- B. Cross-Examination and Questions.** At the conclusion of the testimony of each witness, oral cross-examination of each witness may be permitted in the following order:

- (1) Board members, counsel, staff members and consultants may be permitted, by the Presiding Officer, to ask questions at any time,
- (2) the applicant;
- (3) federal, state and other governmental representatives,
- (4) intervenors;
- (5) all other persons may have the opportunity to question such witness by oral or written questions through the Presiding Officer.



The Presiding Officer may require that all examinations, either written or oral, be conducted at the conclusion of the testimony of each category of witnesses rather than at the conclusion of the testimony of each individual witness.

The Presiding Officer may require that all cross-examination be conducted in the form of written questions submitted to the Presiding Officer and read to the witness or may prohibit persons other than the applicant, intervenors, or governmental representatives from asking any questions.

**C. Redirect and Rebuttal Evidence.** All parties shall have the right to redirect and recross examination of any witness and to submit rebuttal evidence. Such re-examination shall be limited to matters brought out in the last examination by any other person except by leave of the Presiding Officer. Rebuttal evidence shall be directed only to matters brought out by another party except by leave of the Presiding Officer.

**D. Varying Order of Appearance.** When circumstances warrant, the Commissioner or the Presiding Officer may vary the order in which witnesses appear and the order in which testimony is given or witnesses are cross-examined.

**E.1.** Where prior to or during the course of a hearing, the Board determines that testimony and questions at the hearing are likely to be unduly protracted or lengthy, the Board may order that oral cross-examination by each intervenor be limited to a specified duration.

**E.2.** The Board may reduce the oral cross-examination time so specified for each intervenor or any one intervenor on its own motion, or on petition of any party where it determines that:

- (a) the large number of intervenors permitted to participate could unduly extend the proceedings;
- (b) an intervenor failed to properly utilize pre-hearing review procedures to obtain information; or
- (c) an intervenor's oral cross-examination is repetitious of areas previously covered by cross-examination in the proceeding.

A petition pursuant to this paragraph shall specify why reduced cross-examination time is important to the petitioner and would not unduly restrict development of information relevant to the Board's decision and if applicable, what acts or omissions of an intervenor justify the petition.

**E.3.** The Board may increase the oral cross-examination time allocated to each intervenor, or any one intervenor, on its own motion or on petition of any party where it determines that:

- (a) the subject matter being examined is sufficiently complicated or the issues involved in an application are sufficiently numerous to warrant more extensive cross-examination;
- (b) new areas of inquiry have been discovered during cross-examination which were not identified in advance of the hearing; or,

- (c) actions by the applicant including delayed or lengthy responses to questions have made it difficult for the intervenor to complete cross-examination within the specified time.

A petition pursuant to this paragraph shall specify why extended cross-examination time is important to the petitioner and include the matters which the petitioner desires to address in extended cross-examination, why these matters could not have been addressed in pre-hearing review or normal cross-examination and, if applicable, what acts or omissions of an applicant justify the petition.

- F. The Board may designate times during the hearing when members of the public may ask questions and make statements, and may set time limits on such questions or statements.

**12. Continuance.** All hearings conducted pursuant to these regulations may be continued for reasonable cause and reconvened from time to time and from place to place by the Commissioner or the Presiding Officer as circumstances require. All orders for continuance shall specify the time and place at which such hearing shall be reconvened. The Commissioner or the Presiding Officer shall notify interested persons and the public in such a manner as is appropriate to insure that reasonable notice will be given of the time and place of such reconvened hearing.

**13. Regulation of Certain Devices.** The placement of television cameras, still cameras, motion picture cameras or microphones at Board hearings may be regulated by the Commissioner or the Presiding Officer in order that the use of such equipment does not interfere with the orderly conduct of the hearing.

#### **14. Subpoenas**

- A. General.** At the request of any party, or at the request of the Board, or any member thereof, the Presiding Officer may issue subpoenas for the attendance of witnesses or for the production of documents.
- B. Form.** Every subpoena so issued shall bear the name of the Board, the name of the issuing officer and shall command the person to whom it is directed to attend and give testimony or produce specified documents or things at a designated time and place. The subpoena shall also advise of the quashing procedure provided herein.
- C. Service.** Unless receipt of the subpoena is acknowledged by the witness, it shall be served by a person who is not a party to the proceeding and is not less than 18 years of age. Service shall be made by delivering a copy of the subpoena to the person named in it and tendering the fees and mileage paid to witnesses in the Superior Courts of this State.
- D. Return.** The person serving the subpoena shall make proof of service, by filing the subpoena and affidavit or acknowledgment of service with the Commissioner. Failure to make such proof of service shall not affect the validity of such subpoena and service.
- E. Quashing.** On motion made promptly, and in any event before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the Presiding Officer may:

- (1) quash or modify the subpoena on a finding that it is unreasonable or requires evidence not relevant to any matter in issue; or,
  - (2) condition denial of the motion on just and reasonable terms. Any person requesting a hearing on a motion to quash a subpoena shall be granted a hearing before the Board upon such motion.
- F. Confidentiality.** If any person served with such subpoena claims, at or before the hearing that the required production of books, records or other data may disclose secret processes, formulae or methods used by or under the direction of such person which are entitled to protection as trade secrets and the Board or the Presiding Officer determines that such claim is valid, such information from such books, records, or other data shall be disclosed only at a non-public portion of the hearing and the record thereof shall be confidential.
- G. Enforcement.** If any person refuses to obey a subpoena issued by the Board under this section, the Board may apply to any Justice of the Superior Court for an order compelling such person to comply with the requirements of the subpoena.
- H. Posts.** The Board may condition denial of the subpoena upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.
- 15. Offer of Proof.** An offer of proof may be made in connection with an objection to a ruling of the Presiding Officer excluding or rejecting any testimony or question on cross-examination. Such offer of proof shall consist of a statement of the substance of the preferred evidence or that which is expected to be shown by the answer of the witness.
- 16. Conclusion of Hearing.** At the conclusion of the hearing, no other evidence or testimony will be allowed into the record, except as specified by the Presiding Officer.
- 17. Reopening the Record.** At any time prior to a final decision, the Board or Commissioner may reopen the record for further proceedings consistent with these regulations provided, however, that the Commissioner shall give notice of such further proceedings, in writing, to the applicant and intervenors at least 10 days prior to such proceedings, and further provided that the Commissioner shall notify other interested persons and the public in such manner as is appropriate.
- 18. Proposed Brief and Findings.** All persons participating in any hearing shall have the right to submit to the Board written proposed findings of fact, briefs, and recommended conditions, provided that such documents shall be submitted in writing not later than seven days after the close of the hearing or within such other time as ordered by the Presiding Officer or the Commissioner. This paragraph shall not apply to the Department staff consultants and counsel, all whom shall have the right to submit such proposals at any time.
- 19. Oral Argument.** Oral argument may be permitted before the Board at the conclusion of the evidence at a time and place to be fixed by the Commissioner or the Presiding Officer at his discretion.

- 20. Record.** A full and complete record shall be kept of all hearings. The record shall include, but shall not be limited to, the application, supporting documents, all exhibits, proposed finding of facts and conclusions of the Presiding Officer, if any, staff documents, Board finding of facts and order, and the recording or transcript of the proceedings.
- 21. Proposed Orders.** Proposed orders on matters which have been subject to hearing pursuant to this regulation shall be mailed to all parties at least 14 days before Board action on such proposed orders, and all parties may provide comments on such proposed orders at least 5 days in advance of Board action thereon.
- 22. Forms.** All motions, proposed findings, petitions and briefs, and to the extent practicable, written testimony filed with the Board except for documents not susceptible of reproduction in the manner provided or for other good cause shown, shall be typewritten or printed on white opaque paper 8 1/2 by 11 inches in size and bound typed matter shall be double spaced. The first page of each such document shall be headed by the title:

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and shall have a caption with (1) the title of the matter in hearing, giving the name of the applicant, the activity in issue and the location (e.g., in the matter of Scott Paper Company, Pulp and Paper Mill, Hinckley, Maine), (2) the Department's application number (e.g., Site Application #86-0931-36261) and (3) the title of the document (e.g., Petition to Intervene). The final page shall be dated and signed.

**23. Service and Filing of Documents**

- A. Service.** A copy of all motions, petitions, briefs and pre-filed written testimony, permitted or required to be filed with the Board pursuant to these regulations, except briefs or proposed findings prepared by the Department, its consultants or counsel, shall be served upon applicants and intervenors in the proceeding or their representatives in the manner pursuant to Rule 4(d) of Maine Rules of Civil Procedure (Attached as Appendix A).
- B. Filing.** An original and 15 copies of all such motions, petitions, briefs and pre-filed testimony shall be filed with the Board by delivery to the Commissioner, Department of Environmental Protection, Augusta, Maine 04333
- C. Representatives.** The first document filed by any person in a proceeding shall designate the name and address of a person on whom service may be made and to whom all correspondence from the Board and staff may be sent.
- D. Services Papers by the Board.** Except for subpoenas, the Board and Presiding Officer shall assure that all orders, decisions, notices and other papers issued by the Board are served upon all parties to the proceeding in the manner prescribed by this section.
- 24. Ruling.** The Commissioner or Presiding Officer may be overruled by a majority vote of the Board members present on any decision or ruling relating to a hearing.

**25. Computation of Time.** All computations of time under these regulations shall be in the same manner as provided by Maine Rules of Civil Procedure, Rules 6 (a), (b), and (e).

**26. Effective Date.** These regulations shall be effective upon the date of filing with the Secretary of State and shall supersede all previous regulations adopted by the Board dealing expressly with hearings on applications. These regulations shall apply to all matters pending before the Board on the effective date hereof.

After public notice and public hearing on November 21, 1977, the above regulation is hereby adopted this 28th day of December, 1977.

AUTHORITY: 38 M.R.S.A., Section 343

EFFECTIVE DATE: May 15, 1973  
Amended February 8, 1978

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 8, 1996

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#### **BASIS STATEMENT**

The Department of Environmental Protection may hold hearings on applications at its discretion or in certain matters it is required to hold hearings by statutes. Certain projects because of their intrinsic nature develop a significant amount of public interest and groups are organized to make appearance before the Board. These rules provide for the orderly participation of these intervenors, protects the rights of the applicant and enables the Board to conduct proceeding in a timely fashion.